IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.500 OF 2003

Smt. Kanoptra Chandrakant Korade ... Appellant

Vs.

Dattatraya Jayappa Rajage & Ors. ... Respondents

Mr. G.S. Godbole for the appellant.

Mr. V.V. Purwant for respondent 1.

Mr. Suresh Kumar for respondents 2, 3 and 4.

CORAM: SMT. RANJANA DESAI, J.

DATED: 28TH JANUARY, 2005.

P.C.:-

1. Heard the learned counsel for the parties.

2. Being aggrieved by the trial court judgment and decree dated 5/12/2002 passed by the Civil Judge, Senior Division, Solapur, the appellant (original defendant 3) has filed this appeal. By the impugned judgment and order, the trial court had held that the tender granted in favour of defendant 3 on 31/10/2001 by the railway authorities is illegal and unauthorised. Admittedly, the period of the original tender dated 30/10/2001 has expired and, therefore, this first appeal has become infructuous.

3. In my opinion, in the facts of the present case, respondents 2 to 4 should invite fresh bids from all the four bidders to the tender dated 11/6/2003 at the table (open bid) and the contract may be awarded to the bidder whose offer is the highest and who complies with all the conditions of the tender dated 11/6/2003. If the four bidders are found to be not eligible then fresh tenders may be called. I may note that chart of the bids received pursuant to tender dated 11/6/2003 is produced and the highest bid is Rs.12,96,000/-. Tender dated 12/3/2004 should, however, be not proceeded with. If the bids offered are less than Rs.12,96,000/- then it will be open to the respondents to call for fresh bids with fresh tenders. In view of this, orders passed by this court on 5/6/2003 and 23/12/2004 do not survive.

4. With the above direction, the first appeal and all the connected civil applications are disposed of.

(SMT. RANJANA DESAI, J.)